

GOVERNMENT OF TELANGANA

ABSTRACT

Tribal Welfare Department – Mancherial District – Appeal filed U/s. 7 (2) of the Act No.16 of 1993 by Smt. Lanka Suhasini, District Intermediate Education Officer, Karimnagar against orders of the Collector & District Magistrate, Mancherial in Procgs.No.B4/1362/2018, dated 16.10.2019 cancelling ST Kondakapu community certificates issued by the Tahsildar, Mancherial vide 1) Rc.No.F/1209/89, dated 20.10.1989 and 2) Rc.No.CND021811328649, dated 19.03.2018 – Appeal Allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 6

**Dated: 05-02-2022,
Read the following:**

1. Appeal Petition filed by Smt. Lanka Suhasini, W/o. Rajender Prasad, District Intermediate Education Officer, Karimnagar District through her Counsel against the Proceedings No.B4/1362/2018, dt:16.10.2019 of the Collector & District Magistrate, Mancherial District along with Affidavit for Stay U/S 7 of Andhra Pradesh (TS) SC, ST & BC Regulation of issue of Community Certificate Act, 1993 (Act 16/1993) received with endorsement of the Minister (STW,W&CW) dated:25.10.2019.
2. Representation dt.30.10.2019 of Smt. Lanka Suhasini along with Notarized Affidavit.
3. Govt. Memo No.1308/TW.LTR/2019, dt:31.10.2019
4. Letter Rc.No. B4/1362/2018 received from the District Collector, Mancherial, dt: 09.12.2019.
5. Govt. Lr No.1308/TW.LTR/2019, dt: 24.02.2020.
6. Representation received from Smt. Lanka Suhasini, dt 7.03.2020, with marginal orders Hon'ble M(STW).
7. Representation received from Smt.Lanka Suhasini, dt.09.06.2020, with Hon'ble M(STW) Endt No.750/M(STW, W&CW), dt.11.06.2020.
8. Govt.Notice No. 1308/TW.LTR/2019, dated 23.09.2020.
9. Written Arguments submitted Appellant Smt.Lanka Suhasini through Counsel on 05.10.2020.
10. Notarized Affidavit submitted by the Appellant, Smt. Lanka Suhasini dated 10.10.2020.
11. Representation submitted by the Appellant, Smt. Lanka Suhasini dated 10.10.2020.
12. Representation submitted by the Appellant, Smt. Lanka Suhasini dated 21.12.2021.

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ORDER:

In the reference 1st read above, Smt.Lanka Suhasini W/o.Rajender Prasad, District Intermediate Education Officer, Karimnagar has filed an Appeal U/s.7 (2) of the Act 16 of 1993 aggrieved by the orders of the Collector & District Magistrate, Mancherial in Procgs.No.B4/1362/2018, dt.16.10.2019 in cancellation of her ST Kondakapu community certificates issued by the Tahsildar, Mancherial vide 1) Rc.No.F/1209/89, dt.20.10.1989 and 2) Rc.No.CND021811328649, dated 19.03.2018.

2. On perusal of the record, it is found that on a complaint made by the President, Telangana SC & Girijana Sangham and others that the

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Appellant herein Smt.Lanka Suhasini, Principal, Govt. Junior College (Girls), Godavarikhani and Incharge Regional Inspecting Officer, Board of Intermediate Education, Karimnagar originally belongs to Goldsmith, a Backward Class community but obtained ST Konda Kapu community certificate fraudulently and enjoying all facilities under ST quota, the Commissioner of Intermediate Education, TS, Hyderabad has referred the matter to the Commissioner of Tribal Welfare, TS, Hyderabad vide Lr.Rc.No.Ser.I-2/1635/2015, dated 3.11.2015 to cause inquiry into the genuineness of the ST caste status of Smt.Lanka Suhasini.

3. The Commissioner of Tribal Welfare, TS, Hyderabad, has conducted detailed inquiry into the ST caste status of Smt.Lanka Suhasini (Appellant herein) and furnished report to the Commissioner of Intermediate Education in Lr.Rc.No.563/TRI/TSV/VC-7/2015, dated 20.07.2018 concluding that as per the information furnished by the individual and documentary evidences of school records collected during field visit of the TRI team, the evidences do not suffice to the ST status claim, genealogical relations appear doubtful, ethnographic characteristics claimed do not match with that of ST Kondakapu community.

4. Basing and enclosing above report of the Commissioner of Tribal Welfare, TS, Hyderabad, the Commissioner of Intermediate Education, TS, Hyderabad vide his Lr.Rc.No.Ser.I-2/1635/2015-2, dated 18.08.2018 has requested the District Collector, Mancherial District to cancel ST Caste Certificate of Smt.L.Suhasini, Dist. Intermediate Education Officer, Karimnagar invoking provisions of Section 9 (5) of AP Scheduled Castes, Scheduled Tribes and Backward Classes (Issue of Community, Nativity and Date of Birth Certificates Rules, 1997).

5. Thereupon, the Dist. Collector, Mancherial after referring the case to the District Level Scrutiny Committee Mancherial as required and following due procedure as prescribed under the Act No.16 of 1993, vide Procs.No.B4/1362/2018, dt.16.10.2019, has cancelled the ST Kondakapu Community Certificate of Smt.Lanka Suhasini issued by the Tahsildar, Mancherial vide 1) Rc.No.F/1209/89, dt.20.10.1989 and 2) Rc.No.CND021811328649, dated 19.03.2018 duly declaring that she does not belong to Scheduled Tribe Konda Kapu community and also issued Notification in Rc.No.B4/1362/2018, dt.16.10.2019 to the said effect U/s. 5 (1) of the AP (SCs, STs and BCs) Regulation of Issue of Community Certificate Act, 1993 (Act No.16 of 1993) (dated 8.9.1993) R/W Rule 9 (7) of AP SC,ST and BCs (Issue of Community, Nativity and Date of Birth Certificate) Rules, 1997 issued under GO Ms.No.58, SW (J2) Department, dated 12.05.1997 as adapted to the Telangana State vide G.O. Ms.No.5, SCD (POA.A2) Department, dated 08.08.2014.

6. Aggrieved by the above orders of the Collector & District Magistrate, Mancherial, the appellant Smt.Lanka Suhasini W/o Rajender Prasad, District Intermediate Education Officer, Karimnagar District, has filed the present Appeal before the Government in the reference 1st read above and contending that:

- i) She was born on 25.10.1961 to Sri Jagannadha Rao and Smt.Tulasamma at Siripur Kagaz Nagar, Adilabad District, now falling under Asifabad Komarambhim district. Both her father and mother belong to Konda Kapu Caste which is notified as

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ST under Presidential Order, 1955. Her father originally hailed from Nelavadi village of Koraput District of Odisha State before forming part of Srikakulam district. Her great grandfather migrated from Nelavadi village to Viginigiri village of Vizianagaram district in the early years of 20th century. From there, her family migrated to Telangana State in 1940s. She studied in Bala Bharati Primary School, Siripur Kagaznagar till 1971. Later she studied in Government New Upper Primary School, Siripur Kagaznagar from 5th class to 7th class during 1971-1973. Between 1974-1977, she studied at Government High School (Old Siripur Kagaznagar) from 8th class to 10th class. During her studies in 10th class, her father was transferred to Shakkar Nagar, Bodhan and she completed her 10th class in the year 1978 in Government High School, Shakkar Nagar, Bodhan. She studied Intermediate in the Madhumalancha Junior College, Shakkar Nagar, Bodhan and acquired Degree in B.A. in 1985. She obtained M.A. (English Literature) in Andhra University during 1985-87. All through her school records from 5th class, College and University records, her community was recorded as ST (Konda Kapu). All the school records, college records, university records are filed in the material papers.

- ii) She was appointed as Junior Lecturer in the year 1989 through College Service Commission. In the year 2005, she was promoted as Principal, Government Junior College (Girls), Godavari Khani, Karimnagar. In 2015, she was promoted as Regional Inspecting Officer, Karimnagar. In the year 2010, she was appointed as District Vocational Education Officer, Karimnagar and Adilabad Districts. On 11.10.2016 she was made District Intermediate Educational Officer, Karimnagar and Jagityal. On 31.12.2017, she was promoted and posted as Regional Joint Director, Full Additional Charge, Warangal.
- iii) Throughout her career, she rendered unblemished service. She was given the Best Teacher Award by the State Government in the year 2007. While working as Principal, Government Junior College (Girls), Godavari Khani, she received the Best Institution for Vocational Courses Award from NCERT. During the year 2011, she received Best Institution Award for Industrial Linkage from NCERT. She was due to retirement on completion of 58 years on 30.10.2019. On 10.8.2018, she was placed under suspension based on the letter of the Commissioner, Tribal Welfare. Therefore, the Tribal Culture and Research Training Institute asked her certain details of her community and education. She submitted her school records and other records. She submitted all the documents which establish that she belongs to Kond Kapu. Based on the report of Commissioner, Tribal Welfare and Report of TCR and TI Committee and based on the doubts about her social status, she was kept under suspension after 30 years. The documents which were relied upon for keeping her under suspension were not made known to her. In these circumstances, she filed Writ Petition No.29025/2018 and obtained orders for her continuation and accordingly continued in service.

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- iv) She submitted that TCR and TI Committee, O/o Commissioner, Tribal Welfare asked her to appear and accordingly she appeared before the said Committee on 16.4.2017. She furnished Xerox copy of Service Register of her younger sister Smt.L.Sandhya Rani who worked at Railway School, Lalaguda, Secunderabad; Service Register of her brother Suresh who worked at BSNL, Adilabad; self contained Note attested by T.Sai Ram, Advocate, Karimnagar. Thereafter, as per the instructions, she attended the office on 17.1.2018, furnished information about Ethnography, genetic information and produced documentary evidence in support of her community as Konda Kapu. She furnished 10 documents which prove that she belongs to Konda Kapu (ST community). She also furnished domicile, marital relationship and genealogy details. In her written statement, she stated that her father and grandfather hail from Viginigiri, Jami Mandal of Vizianagaram district and since 1957 resided in the following places of Telangana State:

1958 to 1978	..	Kagaznagar, Adilabad district
1978 to 1985	..	Shakkar Nagar, Bodhan, Nizamabad
1985 to 1995	..	Bellampally, Adilabad
1995 to 1996	..	Laksettipally, Adilabad
1996 to 1998	..	Bellampally, Adilabad
1998 to 1999	..	Karimnagar
2000 to 2005	..	Peddapally, Karimnagar
2005 to 2011	..	Godavari Khani, Karimnagar
2011 to 2012	..	Chennur, Adilabad
2012 to 2015	..	NTPC Acting Team, Karimnagar
2015 to 2017	..	Sin.Collieries, Godavarikhani
2017 to 2018	..	Warangal district

- v) Now she is residing at H.No.NB24, Bungala Area, Godavarikhani, Singareni Collieries. From there, attending to her duties at Karimnagar. She further stated that her father expired in the year 1998 at Visakhapatnam and Kotheda Tulasi. Thereafter, her mother expired in the year 2014 at Hyderabad. She has given family details of her father and stated that she is the 7th issue to her parents and provided names of her family members. She stated that her late grandfather Lanka Bangaraiah also belongs to Konda Kapu community and resident of Viginigiri village, Jami Mandal, Vizianagaram District and he married Narayanamma who belongs to Konda Kapu community. She has given the genealogy details. In spite of providing every information which establishes that she belongs to Konda Kapu, the Committee of TCR & TI of Commissioner, Tribal Welfare, submitted its findings without giving any credence to the evidences. It simply relied upon the admission records into 2nd class to 5th class while studying at Balabharati High School and mentioned that her caste is Kapu ignoring the entire other school records from 6th class to Post Graduation. Though the Committee given findings that the eldest sister belongs to Konda Kapu and 2nd sister belongs to Konda Kapu married Konda Kapu person and 3rd sister also married Konda Kapu person, 4th sister married to Konda Kapu person, 5th sister married Konda Kapu person (Toorpu Kapu) community, given hasty decision based on the places where she studied and her children born and the caste of her husband and some inter-caste marriages taken place in

the family members. The said report was communicated to the Commissioner, Intermediate Education by the Commissioner, Tribal Welfare vide letter dated 20.7.2018 and opined that the documentary evidences do not suffice to the ST community status claimed. Thereafter, the Commissioner, Intermediate Education, addressed a letter to the District Collector and District Magistrate, Mancherla and accordingly the matter was referred to the Chairman, Dist. Level Scrutiny Committee (DLSC) headed by Joint Collector. She has attended before the said committee and produced the certificate of Sri Rama Seshiah, Member of Parliament dt.4.6.1956, affidavit of Sri G.B.Appa Rao S/o L.Pedda Errunaidu, R/o Viginigiri Village, Vizianagaram district dt.4.3.1985 mentioning that knowing of social status personally of the individual, photostat copy of Transfer Certificate of Lanka Latha D/o Jagannadha Rao, Photostat copy of caste certificate issued by Tahsildar, Bodhan in Rc.No.A6/52/85, dt.19.1.1998, Photostat copy of certificate issued by the Principal, Madhumalanch Junior College, Photostat copy of Transfer Certificate issued by the Principal, Madhumalanch Junior College, Nizamabad and Photostat copy of caste certificate issued to the individual by the MRO Mancherla vide reference dt.20.10.1989. These documents are in addition to the documents already submitted before the Tribal Welfare Department (TCR-TI) Committee. It was on 24.7.2019, she made an application/representation to the Chairman, DLSC and Joint Collector, stating about all documentary evidences which were already placed and also stated that during her admission in M.A. (English) in Andhra University. Based on complaint made by ST student of the University, the then Director of TCR & TI (Dr.K.Mohan Rao) conducted detailed enquiry and submitted report to the Andhra University authorities confirming that she belongs to the ST Konda Kapu and based on the said report, the Andhra University authorities allowed her to complete her M.A. (English Literature).

- vi) She further submitted that from the above, it is clear that the social status was already subjected to enquiry by the Tribal Welfare authorities and again subjecting her to such enquiry for the purpose of Community Certificate is unwarranted. The said report was submitted to the University and in spite of her best efforts to obtain report under RTI, the same was not furnished.
- vii) Thereafter, she made an application on 28.8.2019 under RTI before the Information Officer, State of AP and the reply as is awaited.
- viii) The DLSC given more weightage to the School record from 2nd to 5th class and also opined that the State of Telangana is not the place for traditional habitat of Konda Kapus and declared that the Certificate by the Tahsildar, Mancherla dt.20.10.1989 is not valid and accordingly cancelled and declared that she does not belong to Konda Kapu (ST) and the same was published in the Notification on the same day. She submitted that at the fag end of her services i.e. after lapse of 29 years, first time an allegation was levelled against her community certificate and the same was enquired haphazardly by the special team (TCR&TI) and the DLSC also not conducted enquiries properly and the

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findings given by the DLSC ignoring documentary evidences and giving weightage to the primary school record ignoring school record from 6th class to the P.G. is totally in utter violation of principles of natural justice. The findings given by the DLSC are perverse without there being any iota of evidence to show that she belongs to other than Konda Kapu community. There is no reason given in the Order of District Collector and District Magistrate for ignoring documentary evidence placed proving that she belongs to Konda Kapu community. As per the settled principle of law, school record particularly from 10th class and higher plays very important role in determining the Community Certificate. The DLSC totally ignored the school record from 6th class to P.G. and thereby committed grave illegality.

- ix) The recommendations of DLSC dt.14.10.2019 is the basis for passing orders by the District Collector dt.16.10.2019. The District Collector except reproducing the report, has not independently considered the issue and he has not provided any opportunity of personally hearing or issued notice before cancellation of Community Certificate which will have drastic effect on her future and her employment.
- x) It is settled principle of law that any adverse material which goes into decision making process and affects the rights of any individual has to be made available to the party. In the instance case though the report of Convenor, DLSC dt.14.10.2019 is the basis for cancellation of Community Certificate, the same was not made available to her to raise her objections. Since the said adverse material was acted upon for cancellation of Community Certificate, the said report is bound to be supplied or otherwise the same amounts to violation of principles of natural justice.
- xi) The District Collector failed to issue notice before cancelling Community Certificate and the same is mandatory and thereby violated the principles of natural justice. None of the Committees conducted proper enquiry, not went to the places of her father or grandfather where they got residence i.e. Viginigiri at Vizianagaram District. Without going to the places for verification/enquiry for field visit, they have come to the conclusion that she does not belong to Konda Kapu community. The same is fatal to the enquiry and conclusions given by the DLSC. She submitted that already enquiry was conducted against her social status in the year 1985 at the time of her admission into the P.G. course i.e. M.A. (English Literature) and the question of conducting repeated enquiries on the same is illegal and arbitrary. Even otherwise also after lapse of 29 years of entering into service the question of cancelling Community Certificate that too on the verge of retirement does not arise and on the ground of delay also the question of reopening the said issue does not arise.
- xii) Unless the Appeal Authority interferes and protects the interests of the petitioner, the services of the petitioner will be terminated based on the impugned orders and in such an event the petitioner will suffer irreparable losses and damages and accordingly this Appeal is filed.

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- xiii) Therefore, prayed the Appellate Authority to call for the records relating to and in connection with the orders passed by the District Collector and District Magistrate, Mancherial in Proceedings No.B4/1362/2018, dt.16.10.2019 along with Notification in Proc.No.B4/1362/2018, dt.16.10.2019 and to quash the same as illegal, arbitrary and contrary to the provisions of AP (TS) SC, ST, BC, Regulation of Issue of Community Certificate Act of 1993 and contrary to the principles of natural justice and to pass such other order or orders as this Appellate Authority may deem fit and proper in the circumstances of the case.
- xiv) Prayed the Appellate Authority to suspend operation of the orders passed by the District Collector and District Magistrate, Mancherial in Proceedings No.B4/1362/2018, dt.16.10.2019 and notification in Proc.No.B4/1362/2018, dt.16.10.2019 pending disposal of the Appeal and to pass such other order or orders as the Appellate Authority may deem fit and proper in the circumstances of the case.

7. Along with the Appeal, the Appellant has submitted the following documents:

1. Copy of Caste Certificate bearing No.A6/526/85, dt.19.1.1985 issued by Tahsildar, Bodhan, wherein it was certified as "Sri L.Jagannath Rao, a retired Deputy District Educational Officer, Bodhan, who migrated from Srikakulam District and residing at Bodhan produced documentary evidence in support of his caste being "Konda Kapu" and requested for the issue of caste certificate to his daughter. Based on the above evidence and as per the caste certificate already issued by Tahsildar, Kollapur of Mahboobnagar District vide ref.No.A4/7662/79, dated 5-12-1979 in favour of Sri L.Suresh son of the above Deputy District Educational Officer and as per his own statement recorded, this is to certify that Kum.L.Suhasini D/o L.jagannath Rao belongs to "Konda Kapu" caste which is recognised as Scheduled Tribe in Srikakulam District".
2. Copy of Caste Certificate bearing No.F/1209/89, dt.20.10.1989 issued by the Mandal Revenue Officer, Mancherial – certifying that Smt.L.Suhasini daughter of L.Jaganath Rao R/o Mancherial belongs to Konda Kapu Tribe which is recognized as Scheduled Tribe under "The Constitution (Scheduled Tribes) Order, 1950 and that her family ordinarily resides in Mancherial town of Adilabad District.
3. Copy of Bonafide and Study Certificate issued by Head Mistress, Balabharathi High School, Sirpur-Kaghaznagar bearing Admission No.1812, issued on 17.01.1991 – wherein it was certified that Suhasini Lanka D/o Jagannadha Rao studied from 2nd class to 5th class in the institution from 17.07.1968 to 31.07.1971.
4. Copy of Bonafide and Study Certificate issued by Head Master, Govt.New Upper Primary School, Sirpur Kaghaznagar, District, Adilabad – Adm.No.248, date of issue: 27.12.1990 – certified that Lanka Suhasini Daughter of Jagannadha Rao studied from V class to VII class from 20.8.1971 to 17.7.1973.

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5. Copy of Bonafide-cum-Conduct Certificate issued by Head Master, Govt. High School (Old), Sirpur-Kaghaznagar, Dist. Adilabad bearing Sl.No.299 (Admission No.2302 dt.26.7.74), wherein it was certified that L.Suhasini D/o Jagannath Rao studied from VIII to X class from 26.7.74 to 27.4.1977.
6. Copy of Certificate dt. 4th June, 1956, issued by Sri N.Ramaseshaiah, Member of Parliament, Rayagada, Koraput Dist. wherein it was certified as "This is to certify that Lanka Jagannadharao son of Bangariah of village Neelavadi, District Srikakulam in the Andhra State belongs to Konda Kapu Community which is recognised as a Scheduled Tribe under the Constitution (Scheduled Tribes) Order, 1950. Shri Lanka Bangaraiah and their family ordinarily reside in the Hyderabad District of Hyderabad State."
7. Copy of Transfer Certificate for Intermediate Course issued by the Principal, The Madhu Malancha Junior College, Shakarnagar, Dist. Nizamabad, AP, date of issue of TC is 23.9.1985 – wherein caste of L.SUHASINI at Col.No.5 is mentioned as "ST Konda Kapu".
8. Copy of Caste Certificate bearing No.A5/5040/82, dt.7.9.1982 issued by Tahsildar, Sirpur, wherein it was certified that the caste of Smt.L.Nirmala W/o Narsing Rao R/o Kagaznagar is Kondakapu (sister of Appellant Lanka Suhasini).
9. Copy of Service Particulars of Smt.Lanka Sandhya Rani D/o L.Jagannadha Rao (sister of Appellant Lanka Suhasini) issued by Gazetted Headmaster, Railway Mixed High School, South Lallaguda, Sec'bad – wherein her caste was mentioned as ST (Konda Kapu).
10. Copy of Affidavit deposed by G.B.Appa Rao son of late Pedda Yerru Naidu R/o Viginigiri before the IV Additional Metropolitan Magistrate, Visakhapatnam – dated 4th day of March, 1985 – summary of the Affidavit is:
 - He belongs to Viginigiri village and formerly President, District Board of Visakhapatnam, President District Congress, member of AICC, Pradesh Congress Parliamentary Board, MLC, MLA and also President of Srungavarapukota Panchayat Samithi.
 - He knows Kumari Lanka Suhasini daughter of Sri Lanka Jagannadha Rao who is a retired Deputy District Educational Officer in the Andhra Pradesh Government. The grandfather Sri Lanka Jagannadha Swamy was originally resident of Nelavadi in Koraput District and at present part of Srikakulam District.
 - The said Lanka Jagannadha Swamy belonged to Konda Kapu community which is scheduled tribe and he migrated from Nelavadi to Viginigiri village about more than 50 years ago and acquired property also at Viginigiri.

- Daughter of late Sri Lanka Jagannadha Swamy was given in marriage to Sri Gorapalli Appala Swamy father of late G.L.Narayana who also belonged to Konda Kapu community.
 - Previously in 1964 there was an enquiry conducted by APO II Central Railway, Secunderabad, as to whether Sri G.L.Narayana Rao who was then working as T.T.E belonged to Konda Kapu community or not. In that enquiry, he was examined as witness and he deposed that Lanka Jagannadha Swamy's family and the family of late G.L.Narayanarao are Konda Kapus and that evidence was upheld as correct.
 - Similarly in an enquiry held against Lanka Hanumantha Rao son of Satyanarayan who is the paternal uncle of Lanka Jagannadha Rao father of Kumari Suhasini. He deposed as a witness before the Revenue Divisional Officer, Vizianagaram who enquired for the South Eastern Railway to the effect that this Lanka family belonged to Konda Kapu community and that evidence was also upheld as true.
 - He solemnly affirmed that Lanka Jagannadha Rao father of Kumari Lanka Suhasini is a Konda Kapu and his paternal cousin Lanka Hanumantha Rao was granted community certificate as Konda Kapu by the District Collector, Visakhapatnam. Therefore, Kumari Lanka Suhasini is a Konda Kapu and he personally knows it.
11. Copy of Transfer Certificate bearing No.127405 (Adm.No.242/1487) issued by Principal, Govt. Junior College, Sirpur Kaghaznagar, Adilabad Dist. wherein it was certified that Lanka Latha D/o Jagannath Rao (sister of Appellant Lanka Suhasini) studied Intermediate in the college and her caste was mentioned as ST (Konda Kapu).
 12. Copy of Transfer Certificate bearing Sl.No.171389 (Adm.No.1496) issued by the Headmistress, Govt. Girls High School, Shakarnagar (true copy attested by Headmaster, Govt.Boys High School, Shakarnagar) – wherein it was certified that Kum.L.Suhasini D/o L.Jagannatharao belongs to Scheduled Tribe (Konda Kapu) community.
 13. Copy of Certificate issued by Principal, Madhu Malancha Degree College, Shakarnagar, Nizamabd Dist. dated 27.7.1981 – wherein it was certified that Kum.L.Suhasini D/o L.Jaganath Rao belongs to 'Konda Kapu' community as per college records which were entered on the basis of SSC TC. However, no scholarship was claimed because the parent's income exceeds the limit.
 14. Copy of Certificate issued by Head Master, Govt.Girls High School, Shakarnagar, Nizamabad Dist. – wherein it was certified that Kum.L.Suhasini D/o L.Jagannatha Rao belongs to "Kondakapu" community as per school records. Scheduled Tribe scholarship was not claimed because the parent's income exceeded limit.

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15. Copy of RTI application dt.21.07.2019 made to the Director, TCR&TI stating that her father late L.Jaganatha Rao migrated from Srikakulam to Hyderabad in 1940s and retired as Dy.DEO at Bodhan of Nizamabad District. They belong to ST (Kondakapu), she was born and brought up Telangana Region only and completed her studies upto graduation in Telangana only. She secured admission in MA (English Literature) in Andhra University in the year 1984 where her ST status was enquired into by Director TCR&TI on a complaint made by ST students of Andhra University, Visakhapatnam. The Director, TCR&TI after detailed enquiry confirmed her caste as ST (Konda Kapu). Therefore, the Andhra University authorities allowed her to continue her Post Graduation and accordingly she completed her MA (English Literature) at Andhra University in 1986. Hence, she requested to supply a copy of the said report of the Director, TCR&TI as the same is to be submitted before the DLSC Mancherla for enquiry.
 16. Copy of Lr.Rc.No.563/TRI/TSV/Vc-7/2015, dt.20.08.2019 issued by Dr.P.Kalyan Reddy, Joint Director/PIO, TCR&TI, TS, Hyderabad issued to Smt.Lanka Suhasini H.No.C-13, TTS, Jyothi Nagar, NTPC, AP Colony, Karimnagar, Telangana State stating that there is no file traced out relating to the information sought by Smt.L.Suhasini. Therefore, requested to approach the TRI, Andhra Pradesh as some of the files are transferred to Andhra Pradesh during reorganization and as the file is pertaining to 1986 and claimed to be a detailed enquiry made for the purpose of Admission to Andhra University the file may be available with Andhra Pradesh TRI.
8. In the reference 2nd read above, in continuation of the Appeal, the Appellant Smt.Lanka Suhasini W/o Rajender Prasad has filed Notarized Affidavit dt.30.10.2019 deposing that:
- Her parents Lanka Jagannadha Rao and Lanka Tulasi migrated from Viginigiri of Vizianagaram District in the yearly 1950s to Telangana Region.
 - Father worked in Education Department and moved to different Districts of Telangana on transfers. Father expired in 1998 and mother in 2014. They both belong to Kondakapu ST community of Vizianagaram District.
 - She was born on 25.10.1961 at Sirpur Kagaznagar of erstwhile Adilabad District while father was working there. She has been brought up, educated and employed in Telangana Region/State only.
 - She was selected as Junior Lecturer through College Service Commission in 1989 and working as Dist.Intermediate Education Officer, Karimnagar and falling due for retirement on 31.10.2019.
 - On a pseudonymous complaint made by some unknown people, an enquiry has been made into her caste status by the DLSC Mancherla.
 - During enquiry, she appeared before the DLSC and presented all relevant documents to prove her claim as ST Kondakapu community.

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- The authorities have issued Caste Certificates after due verification of the facts, school records and other records.
- Despite submission of available documents and certain documents pending for receipt, the DLSC has concluded the enquiry and the District Collector, Mancherial issued orders in Procs.No.B4/1362/2018, dt.16.10.2019 cancelling caste certificate without considering material documents produced by her, hastily, to cause irreparable loss to her before her retirement.
- Aggrieved by the said orders, she filed an Appeal before the Government on 25.10.2019 with valid grounds and related/relevant documents praying the Government to kindly admit the Appeal and grant stay on the orders of the District Collector, Mancherial dt.16.10.2019.
- In addition to the documents already submitted with the Appeal, filed following documents i.e. caste certificates issued to her blood relatives, orders of Government issued in G.O. Ms.No.31, Social Welfare (CV.2) Department, dt.19.02.2014 to her cousin brother viz., Lanka Nagabhushan Rao S/o Lanka Hanumantha Rao (caste certificate shown at sl.No.4) upholding that he belongs to ST Kondakapu caste and set aside cancellation orders of the District Collector, Vizianagaram – which speaks about her original Vizianagaram district and her surname finds place in ST Kondakapu community.

Sl. No.	Name of the certificate holder	Relationship	No. & Date
1.	Lanka Suersh Sai S/o Jagannadha Rao	Elder brother	A4/7602/79, dt.5.12.1979 by Tahsildar, Kollapur, Mahaboobnagar Dist.
2.	L.Nirmala W/o Narsinga Rao	Elder sister	A5/5040/82, dt.7.9.1982 by Tahsildar, Sirpur.
3.	L.Sandhya Rani D/o Jagannadha Rao	Younger sister	A6/526/85, dt.19.1.1985 by Tahsildar, Bodhan.
4.	L.Hanumantha Rao S/o Satyanarayana	Paternal uncle	M.D.Dis-14/64, dt.28.6.1964 (C4) by Collector, Visakhapatnam.
5.	L.Nagabhushan Rao S/o Hanumantha Rao	Cousin brother (son of Sl.No.4)	S.R.No.117/74, dt.8.7.74 by Tahsildar, Srunga-varapukota, Vizianagaram Dt.

- Copy of Affidavit given by GB Appa Rao S/o Pedda Yerru Naidu R/o Viginigiri, S.Kota Taluq of Vizianagaram District before the IV Additional Munsif Magistrate, Visakhapatnam on 4.3.1985.
- Therefore, prayed the Government to consider her Appeal and grant stay till finalization of her Appeal.

9. Government after careful examination, admitted the Appeal and granted stay initially for a period of (4) months vide in the reference 3rd read above and extended further.

10. In compliance to the Government Memo. dated 31.10.2019, the District Collector, Mancherial in the reference 4th read above has sent the original file bearing No.B4/1362/2018 along with parawise remarks.

(Contd...12)

11. In the reference 5th read above, the case has been called for hearing on 7.3.2020 and finally on 29.9.2020 in the reference 8th read above. Appellant and her counsel present and prayed time for submission of Written Arguments. Time granted. Written Arguments were filed by the Counsel for Appellant on 7.10.2020 in the reference 9th read above, along with the certain documents:

12. The gist of written arguments and contents of GO Ms.No.31, dt.19.02.2014 is as follows:

- i) She was retired as DIO on 31.10.2019 on attaining the age of superannuation.
- ii) The Dist. Collector cancelled her caste certificates dt.20.10.1989 and 19.3.2018 basing on the recommendations of DLSC dt.14.10.2019.
- iii) She belongs to ST Kondakapu community and stated that she was born on 25.10.1961 to Sri Jagannadha Rao and Smt.Tulasamma at Sirpur Kagaznagar, now falling in Asifabad District. Both her parents belong to Konda Kapu community which is notified as Scheduled Tribe under the Presidential Order, 1955.
- iv) Her father originally hailed from Nelavadi village which was part of Koraput District of Odisha State before forming part of Srikakulam District. Her great grandfather migrated from Nelavadi village to Viginigiri of Vizianagaram district in the early years of 20th century. From there, her parents migrated to Telangana State in 1940's.
- v) She studied in Government New Upper Primary School, Siripur Kagaznagar from 5th class to 7th class from 1971-73, between 1974-177 8th class to 10th at Government High School (Old Sirpur Kagaznagar). While studying 10th class, her father was transferred to Shakkar Nagar, Bodhan and there she completed her 10th class in Government High School, Shakkar Nagar, Bodhan in 1978. She studied Intermediate in Madhumalancha Junior College, Shakkar Nagar, Bodhan and acquired Degree in B.A. in 1985. She obtained M.A. (English Literature) in Andhra University during 1985-87. All through her school records from 6th class, College and University, her community was recorded as ST (Konda Kapu). All the School Records, College Records, University Records were filed in the material papers.
- vi) She was appointed as Junior Lecturer in the year 1989 through College Service Commission. In 2005, she was promoted as Principal, Government Junior College (Girls), Godavari Khani, Karimnagar. In 2010, she was appointed as Dist. Vocational Educational Officer, Karimnagar and Adilabad Districts. In 2015, she was promoted as Regional Inspecting Officer, Karimnagar. On 11.10.2016 she was made Dist.Intermediate Educational Officer, Karimnagar and Jagityal. On 31.12.2017, she was promoted and posted as Regional Joint Director (FAC), Warangal. Throughout her career, she rendered unblemished service and was given Best Teacher Award by the State Government in the year 2007 and also Best Institution Award for

Vocational Courses from NCERT while working as Principal, Government Junior College (Girls), Godavarikhani. During 2011, she received Best Institution Award for Industrial Linkage from the NCERT.

- vii) While she was due for retirement on 30.10.2019, she was placed under suspension on 10.8.2018 basing on the letter of Commissioner (TW). Thereafter, the TCR&TI has asked her certain details of her community and education. She submitted the school records, other records and all documents which establish that she belongs to Konda Kapu. Based on the report of Commissioner (TW) and report of TCR & TI Committee and based on the doubts about her social status, she was kept under suspension after 30 years. The documents which were relied upon for keeping her under suspension were not made known to her. In these circumstances, she filed Writ Petition No.29025/2018 and continued in service as per orders of the Hon'ble High Court.
- viii) She attended before the TCR&TI O/o Commissioner of Tribal Welfare, Hyderabad on 16.4.2017 and furnished copy of Service Register of her younger sister Smt.L.Sandhya Rani who worked at Railway School, Lalaguda, Secunderabad, Service Register of her brother Suresh who worked in BSNL, Adilabad, self contained note attested by T.Sai Ram, Advocate, Karimnagar.
- ix) As per instructions, she again attended on 17.1.2018 and furnished information about Ethnography, genetic information and produced documentary evidence in support of her claim as Konda Kapu. She furnished 10 documents which prove that she belongs to Konda Kapu (ST community). She also furnished domicile, marital relationship and genealogy details. In the written statement, she has stated that her father and grandfather at grandfather at Viginigiri, Jami Mandal of Vizianagaram district since 1957 and resided in the following places since then:
- | | |
|--------------|---|
| 1958 to 1978 | Kaghaznagar, Adilabad district |
| 1978 to 1985 | Shakarnagar, Bodhan, Nizamabad |
| 1985 to 1995 | Bellampally, Adilabad District |
| 1995 to 1996 | Luxettipet, Adilabad District |
| 1996 to 1998 | Bellampally, Adilabad District |
| 1998 to 1999 | Karimnagar district |
| 2000 to 2005 | Peddapally, Karimnagar district |
| 2005 to 2011 | Godavarikhani, Karimnagar district |
| 2011 to 2012 | Chennur, Adilabad district |
| 2012 to 2015 | NTPC, Ramagundam, Karimnagar |
| 2015 to 2017 | Singareni, Godavarikhani, Adilabad district |
| 2017 to 2018 | Warangal district. |
- x) Her father expired in the year 1998 at Visakhapatnam and mother Kotteda Tulasi in the year 2014 at Hyderabad. She is the 7th issue to her parents and provided names of family mebers. Her late grandfather Sri Lanka Bangaraiah belongs to Konda Kapu community and was resident of Viginigiri village, Jami Mandal, Vizianagaram District. He married Narayanamma who also belongs to Konda Kapu community. In spite of giving

genealogy details and every information which establishes that she belongs to Konda Kapu, the committee of TCR&TI of Commissioner of Tribal Welfare submitted its findings without giving any credence to the evidences. It simply relied on the admission record of 2nd class at Balabharati High School ignoring the entire school records from 6th class to Post Graduation.

- xi) The Committee gave its findings that her elder sister belongs Konda Kapu and 2nd sister belongs to Konda Kapu married Konda Kapu person and her 3rd sister also married Konda Kapu person, her 4th sister married a person belongs to Konda Kapu, 5th sister married Konda Kapu (Toorpu Kapu) community person, given hasty decision based on places where she studied and children birth and caste of the appellant's husband and some inter-caste marriages took place in the family members. The said report was communicated to the Commissioner, Intermediate Education by the Commissioner, Tribal Welfare vide letter dated 20.7.2018 and opined that the documentary evidences do not suffice to the ST community status claimed.
- xii) Thereafter, the Commissioner, Intermediate Education, addressed a letter to the District Collector and District Magistrate, Mancherial and accordingly the matter was referred to the Chairman, DLSC Mancherial headed by Joint Collector. She attended before the DLSC, produced certificate issued by Sri Rama Seshaiyah, Member of Parliament dt.4.6.1956, affidavit of Sri G.P.Appa Rao, S/o L.Pedda Errunaidu R/o Viginigiri Village, Vizianagaram district 4.3.1985 mentioning that knowing of social status personally of the individual, Photostat copy of Transfer Certificate of Lanka Latha D/o Jagannadha Rao, Photostat copy of Caste certificate issued by Tahsildar, Bodhan in Rc.No.A6/52/85, dt.19.1.199, photostat copy of Certificate issued by Principal, Madhumalanch Junior College, Photostat copy of Transfer Certificate issued by Principal, Madhumalanch Junior College, Nizamabad and Photostat copy of Caste certificate issued to the individual by the MRO Mancherial vide reference dt.20.10.1989. These documents are in addition to the documents already submitted to the TCR&TI before the TW Department (TCR&TI) Committee.
- xiii) On 24.7.2019, she made an application/representation to the Chairman, DLSC and Joint Collector stating about all documentary evidences were already placed and also stated that during her admission in M.A. (English) in Andhra University, based on complaint made by ST students of the University, the then Director of TCR & TI (Dr.K.Mohan Rao) conducted detailed enquiry and submitted report to the Andhra University Authorities confirming that she belongs to ST (Konda Kapu). Based on the said report, the Andhra University authorities allowed her to complete her M.A. (English Literature). Thus, her social status was already subjected to enquiry by the Tribal Welfare authorities and again subjecting her to such enquiry is unwarranted. The said report was submitted to the University by the TCR&TI. She made an application on 28.8.2019 under RTI, but the reply is still awaited.

- xiv) The DLSC given more weightage to the School Record from 2nd to 5th class and also opined that the State of Telangana is not the place for traditional habitat of Konda Kapus and declared that the Certificate issued by the Tahsildar, Mancherla dt.20.10.1989 is not valid and accordingly cancelled declaring that she does not belong to ST Kondakapu.
- xv) At the fag end of her service i.e. after completion of 29 years, caste certificate was cancelled. The enquiries conducted by the Special Team (TCR&TI) and the DLSC are not proper. The DLSC gave weightage to primary school record ignoring school record from 6th class to PG – which is utter violation of principles of natural justice. No reason was given in the order of Dist. Collector for ignoring documentary evidence placed proving that she belongs to Konda Kapu community. As per settled principle of law, school record particularly upto 10th class and higher plays very important role in determining the community certificate. The DLSC totally ignored school record from 6th class to PG and thereby committed grave illegality.
- xvi) The District Collector except reproducing the DLSC recommendations dated 14.10.2019, has not independently considered the issue and not provided any opportunity of personal hearing or issued notice before cancellation of community certificate which will have drastic effect on her future and employment.
- xvii) It is the settled principle of law that any adverse material which goes into decision making process and affects the rights of any individual has to be made available to the party affected. In the instance case though the report of the Convenor, DLSC dated 14.10.2019 is the basis of cancellation of community certificate, the same was not furnished to raise objections. Since the adverse material was acted upon for cancellation of Community Certificate, the said report is bound to be supplied or otherwise the same amounts to violation of principles of natural justice.
- xviii) The District Collector failed to issue Notice before cancelling community certificate which is mandatory and thereby violated the principles of natural justice. None of the committees conducted proper enquiry, not went to the places of her father or grandfather where they got residence i.e. Viginigiri at Vizianagaram district. Without going to the places for verification/enquiry for field visit, they have come to the conclusion that the appellant does not belong to Konda Kapu community. The same is fatal to the enquiry and conclusion given by the DLSC.
- xix) Once the enquiry was already conducted against her social status in the year 1985 at the time of her admission into PG course i.e. M.A. (English Literature) and the question of conducting repeated enquiries on the same issue, is illegal and arbitrary. Even otherwise also after lapse of 29 years of entering into service, the question of cancelling community certificate that too on the verge of retirement does not arise on the ground of delay the question of reopening the said issue does not arise.

- xx) It is settled principle of law that the School going certificate should be accepted as valid for community certificate. It is also equally settled principle of law that after completion of 30 years of service if the Caste Certificate is cancelled at the fag end of the service, that too 100 days before retirement, the benefits acquired by rendering the service i.e. pension and retirement benefits cannot be taken away. The Supreme Court in 2001 (1) SCC 4 considered the issue in such a situation where the candidate after getting the admission in Medical Course based on Community Certificate (ST) and when the Certificate was cancelled subsequently, the Supreme Court declared that without disturbing the advantages gained she was permitted to practise as doctor. In the instant case, initially the Community Certificate was granted to the appellant by the Tahsildar, Kollapur, Mahabubnagar on 5.12.1975, thereafter again certificate was issued by Tahsildar, Mancherial on 20.10.1989. Therefore, cancellation of said certificate after more than 20 years without there being any valid ground cannot take away the service benefits of the appellant which includes pension and retirements. The Hon'ble Supreme Court in 2012 (1) SCC 549 when a person was given admission in BDS based on the strength of the ST community certificate, and the same was cancelled after 9 years, the Supreme Court not disturbed the admission. In view of the same, it is not only on the ground of not conducting enquiry properly by the DLSC but also not following the rules of principles of natural justice and on merits also the orders of the District Collector are to be declared as illegal and arbitrary.
- xxi) As per averments made in the affidavit, her ancestors and cousins obtained Kondakapu ST certificates. When certificates of her cousins were cancelled, the Hon'ble High Court passed orders in their favour which are filed in the material papers.
- xxii) The grounds raised in the Appeal challenging the cancellation of Community Certificate issued by the District Collector i.e. not issuing any notice before cancellation of Caste Certificate, not communicating report of the DLSC which is the basis, not communicating report prepared by the Committee in TWD which is the basis before DLSC, not conducting any enquiries at the place where the appellant's ancestors resided, not giving any importance to the School Records from 6th class to Post Graduation and not giving any weightage or importance by the DLSC to the Community Certificate of her elder sister i.e. L.Nirmala, 2nd sister L.Girija as Konda Kapu, giving weightage only to the report prepared by the team in TWD are sufficient to hold the orders passed by the District Collector, are illegal.
- xxiii) In addition to the above, her great grandfather late Lanka Jagannadha Swamy got 2 sons viz., Lanka Bangaraiah and Lanka Satyanarayana. Lanka Satyanarayana got 5 issues and Lanka Bangaraiah got one male son Lanka Jagannadha Rao. Lanka Jagannadha Rao got 7 daughters and one male issue. The appellant is one of the daughters of late Sri Lanka Jagannadha Rao. Similarly, out of 5 issues of late Lanka Satyanarayana, one of the sons Sri Lanka Hanumantha Rao's sons namely Lanka Nagabhushana Rao and Lanka Satyanarayana. When the

Community Certificate issued in favour of Lanka Satyanarayana was cancelled, he filed Appeal before the Government and the Government issued G.O.Ms.No.70, SW Dept. dt.14.8.2000 confirming the Community Certificate issue in his favour. Similarly, one of his brothers Lanka Nagabhushana Rao when his community certificate was cancelled, he filed Appeal before the Government, the Government after considering the fact of employment of the grandfather Satyanarayana duly availing ST reservation and also Government orders issued in G.O.Ms.No.70, SWD dt.14.8.2000 confirming the Community Certificate issued in favour of Satyanarayana, allowed the Appeal and issued G.O.Ms.No.31, SWD, dt.19.2.2014 cancelling the orders passed by the District Collector.

Since the said two persons Satyanarayana Rao and Nagabhushana Rao are sons from the same Lanka's family, for all purposes the Appellant is to be treated as Konda Kapu. Copy of G.O.Ms.No.31, SWD, dated 19.2.2014 is filed in the Written Arguments.

At the time of admission of the appellant into PG course in the year 1985 on certain complaints, the Director of Tribal Welfare Department issued Notices to the Appellant herein for her appearance in the 1st week of November, 1985 before the Director of Tribal Welfare at Gagan Vihar, 5th floor, Mojamjahi Market, Hyderabad and accordingly the appellant attended before the said authority and produced all the documentary evidences before the said authority. After completion of the enquiry based on the clearance given by the Director of Tribal Welfare, the appellant was permitted to complete her P.G. from Andhra University in the year 1985. Therefore, the question of reopening the said issue more than 30 years do not arise and copy of the notice also filed along with Written Arguments.

At the time of filing Appeal, the appellant filed True Copy of the Transfer Certificate of SSLC attested by Gazetted Officer. After verification of old document, the appellant claimed to secure Transfer Certificate of 10th class issued by the Head Master, Government Girls High School, Shakkarnagar, Nizamabad. It is submitted that it is based on the earlier school records only community was recorded as Konda Kapu in the 10th class TC and the same TC is followed for all purposes. Copy of the same is also enclosed along with Written Arguments.

xxiv) In view of the above facts and circumstances, the Appeal is to be allowed with further direction to release pension and retirement benefits.

13. The Appellant submitted another Notarized Affidavit dt.10.10.2020 in the reference 10th read above, and copy of Certificate jointly issued by the Sarpanch and Panchayat Secretary, Viginigiri of Jami Mandal and copy of G.O. Ms.No.70, dated 14.8.2000 of SW (CV.2) Department – summary of which is follows:

i) As per deposition in Affidavit

- Her great grandfather late Jagannadha Swamy was resident of Neelvadi village of Koraput District. He had two sons namely Bangaraiah and Satyanarayana.

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- Her grandfather late Bangaraiah had three children namely 1) Jagannadha Rao (father of appellant) 2) Padma and 3) Saraswathi.
- Brother of her grandfather namely Satyanarayana had five sons namely 1) Hanmanth Rao 2) Jagannath Rao 3) Appa Rao 4) Venkat Rao and 5) Rama Rao – of them, Hanmanth Rao had four children namely 1) Nagabhushan Rao 2) Satyanarayana 3) Padma and 4) Anuradha.
- Her father Jagannath Rao got seven daughters (including the Appellant) and one son namely 1) Nirmala 2) Girija 3) Suresh 4) Latha 5) Hema 6) Kamala 7) Suhasini (appellant) and 8) Sandhya Rani.
 - Some of the above family members were in Government Service and they belong to Lanka Family and their caste is ST Konda Kapu.
 - Accordingly, Family Tree has been drawn and shown in the Affidavit.

ii) Certificate by Sarpanch and Panchayat Secretary, Grama Panchayat, Vizinigiri duly witnessed by (6) village elders:

- It was certified that "During the enquiries and meeting with the elders, it is found that Sri Lanka Jagannadha Swamy i.e. great grandfather of the applicant Smt.Lanka Suhasini belongs to ST Konda Kapu community was originally resident of Nelavadi village in Koraput District of Odisha State, now in Srikakulam District. In the early 1950s, Sri Lanka Jagannadha Swamy migrated to Vizinigiri village. He owned a house and some agriculture land. Initially, the open adjacent land was donated by him for construction of Ramalayam Temple and another half acre farmland for the temple maintenance. The house which is in dilapidated condition was also donated to the Temple for development of Temple precincts. Sri Lanka Jagannadha Swamy was having two sons namely Lanka Bangaraiah and Lanka Satyanarayana. First son Sri Lanka Bangaraiah was having one son and two daughters namely 1) Jagannadha Rao (son) 2) Padma (daughter) and 3) Saraswathi (daughter). Sri Lanka Jagannadha Rao migrated to Hyderabad. Sri Lanka Bangaraiah i.e. father of Sri Lanka Jagannadha Rao and grandfather of Smt.Lanka Suhasini expired in Vizinigiri village in the year 1956. Hence, it is certified that the origin of Smt.Lanka Suhasini D/o late Lanka Jagannadha Rao who belongs to ST Kondakapu, is Vizinigiri village of Jami Mandal (erstwhile S.Kota Mandal) in Vijayanagaram District".

iii) G.O. Ms.No.70, dated 14.8.2000 of SW (CV.2) Department:

Government had issued orders allowing the Appeal of Sri Lanka Satyanarayana S/o Lanka Hanumantha Rao, Asst. Project Engineer (Chem.), Fertilizer Corporation of India Limited, Ramagundam setting aside orders of the Collector, Vizianagaram District in Procs.Rc.No.2092/97-C7, dated 2.11.1999. Gist is as follows:

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- Appellant (i.e. Lanka Satyanarayana) stated in his Appeal petition that late Sri Lanka Satyanarayana was retired as Guard in South Eastern Railway on 23.9.1965 and to that effect Railway authorities issued a certificate that the caste of appellant grandfather belongs to Konda Kapu community.
- His father Sri L.Hanmantha Rao was also issued ST caste certificate from the Collector, Visakhapatnam dt.23.11.1965 and the same was recorded in service register as Konda Kapu.
- Caste of his brother Lanka Rama Rao was also shown as ST Kondakapu as published in the Gazette by the APPSC on 18.5.1978 supplement to Part-I vide No.19-C Page No.16 Sl.No.259 Column No.3. Accordingly, Caste Certificate was issued to the Appellant by the then Tahsildar, S.Kota dt.27.9.1971.
- Government after careful consideration of the records available with the Government and after thorough examination of the Appeal petition dt.6.12.1999 and also other material adduced by the counsel for the Appellant at the time of hearing before the Appellate authority, Government have come to the conclusion that Sri Lanka Satyanarayana S/o L.Hanumantha Rao belongs to Konda Kapu (ST) caste.

The names of brother of grandfather i.e. Lanka Satyanarayana, paternal uncle i.e. Lanka Hanumantha Rao and names of his sons (i.e. cousins of Appellant) namely Lanka Satyanarayana, Lanka Rama Rao (sons of Lanka Hanumantha Rao) as reflected in the above Government Order and are tallying with that of the names deposited in the Notarized Affidavit/Family Tree.

14. In the reference 11th read above, the Appellant has submitted representation dated 10.10.2020 praying for grant of time for submission of certain school records from V class to X class wherein her caste was mentioned as Scheduled Tribe.

15. In the reference 12th read above, the Appellant has submitted representation on 21.12.2021 stating that due to closure of schools on account of covid situation, she obtained the following certificates only on 20.12.2021 and submitted them praying to consider them as evidence in her case.

- i) Certificate of Information dated 20.12.2021 issued by Headmaster, Govt.High School (New), Sairpur Kaghaznagar-504296, Dist.Kumurambheem, T.S. – wherein it was certified that Lanka Suhasini D/o Jagannath Rao was a student during the period of 20.08.1971 to 19.07.1973 from Class V to VII with admission No.248, her Date of Birth is 25.10.1961 and as per school records, she belongs to Scheduled Tribe Hindu caste.
- i) Certificate issued by Headmaster, Govt.High School (Old), Sirpur-Kaghaznagar, Dist.K.B.Asifabad (TS) – wherein it was certified that L.Suhasini D/o Jagannatha Rao is a bonafide

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student of the school during the period of 26.07.1974 to 29.04.1977 of Classes VIII to X. She belongs to ST Caste and her Date of Birth is 25.10.1961 and Admission No.is 2302 dated 26.07.1974.

16. The summary of grounds for cancellation of Caste Certificate by the District Collector, Mancherial and findings of TCR&TI are as follows:

- i) Community was mentioned as Kapu in Admission Register of Bala Bharathi Primary School, Sirpur Kagaznagar on 17.7.1968.
- ii) Telangana is not traditional habitat of Konda Kapus, Their Chief Places of habitation are 1) Srikakulam 2) Visakhapatnam and 3) East Godavari Districts and there is no existence of Konda Kapu community people in erstwhile Adilabad District.
- iii) Individual failed to submit any documentary evidence of her blood relatives from her original district to substantiate her community claim, community traits and festivals celebrated by the individual are different to that of Konda Kapus.
- iv) Individual obtained community certificate from incompetent authority, which is invalid.
- v) Individual's husband belongs to Munnuru Kapu-BC community of Warangal District of Telangana. Her siblings are born and brought in the places of Telangana. She admitted in her statement that for her children, Munnuru Kapu-BC community is being claimed.
- vi) Two of her sisters were married to Thurupu Kapu & Golla - BC community persons. She has never been in tribal fold and even her blood relatives are exogamous and married to persons belonging to the Backward Classes and other communities. Hence, her claim of ST status could not be confirmed.
- vii) Her father's caste certificate issued by Sri Rama Sheshaiah, Member of Parliament, Orissa State on 4.6.1956 is not in the form of Community Certificate.

17. Upon perusal of the Appeal grounds, Written Arguments, Affidavits, other documents, legal citations etc. produced by the Appellant, the following observations/findings are arrived at:

- i) The Ethnography Study conducted on Konda Kapu Tribe in Visakhapatnam, by the Centre for Economic and Social Studies sponsored by the TCR & TI of Andhra Pradesh, reveals that **Lanka** is one of the surnames in ST Kondakapu community. Further, in GO Ms.No.245, dt.30.6.1977 of Social Welfare-E Department, it was stated that "among the Kapus of the Plains, either the clans or the surnames of the Konda Kapus are not found in their social system". Thus, "Lanka" is one of the surnames under ST Konda Kapu community and the Lanka surname of the Appellant has not been disputed.

(Contd...21)

- ii) The cancellation authority had arrived at a finding that the caste of the Appellant was mentioned as Kapu in Admission Register of Bala Bharathi Primary School, Sirpur Kagaznagar on 17.7.1968 wherein the appellant was admitted and studied from 2nd class to 4th class.

The Appellant contended before the cancellation authority that her father did not come to school to admit her and she does not remember who admitted her in the school and filled the admission form.

The Appellant submitted certificates issued by the Headmasters of Govt. High School (New), Sirpur Kagaznagar, Dist. Kumurambheem, TS where she studied from V class to VII class and Govt. High School (Old), Sirpur Kagaznagar, Dist. KB Asifabad where she studied from VIII to X classes and in the records of these schools i.e. from V class to X classes, her caste was recorded as Scheduled Tribe. The subsequent entries i.e. from V class to X class and college were neither disputed by the cancellation authority i.e. the Dist. Collector nor the TCR&TI in their enquiry.

As regards another finding by the cancellation authority that "the individual has produced the true copy of Transfer Certificate which is in typed format signed by the Govt. Boys High School, Shakarnagar whereas the individual has studied in Govt. Girls High School, Shakarnagar". On verification, it is found true that it is a typed copy of Transfer Certificate bearing Admission No.1496 issued by the Headmistress, Govt. Girls High School, Shakarnagar where the Appellant studied SSC and caste was recorded as "Scheduled Tribe (Konda Kapu)". Since it is a true copy typed, got attested by another Gazetted Officer i.e. the Head Master, Govt. Boys High School, Shakarnagar for use, the finding that she studied in Govt. Girls High School, Shakarnagar but produced TC issued by Govt. Boys High School, Shakarnagar, is not tenable.

- iii) As regards the finding that Telangana is not the traditional habitat of ST Kondakapu community, the cancellation authority i.e. the Collector & District Magistrate, Mancherial in his cancellation orders stated that "1) The individual is originally resident of Viginigiri of Vizayanagaram District and by virtue of employment of her father she has resided in various places in Telangana and studied in different places" – this amply proves that her parents migrated from Vizianagaram District (i.e. traditional habitat of ST Kondakapu) to Telangana Region. However, it is also found from the evidences produced by the Appellant i.e. Certificate issued by the Sarpanch and the Panchayat Secretary, Grama Panchayat, Vizinigiri, Jami Mandal, that Sri Lanka Jagannadha Swamy i.e. great grandfather of the Appellant Smt. Lanka Suhasini belongs to ST Konda Kapu community was originally resident of Nelavadi village in Koraput District of Odisha State, now in Srikakulam District.

In the early 1950s, Sri Lanka Jagannadha Swamy migrated to Vizinigiri village. He was having two sons namely Lanka Bangaraiah and Lanka Satyanarayana. First son Lanka

Bangaraiah was having one son and two daughters namely 1) Jagannadha Rao (father of appellant) 2) Padma and 3) Saraswathi. Sri Lanka Jagannadha Rao i.e. father of the Appellant migrated to Hyderabad District. The grandfather of the Appellant Smt.Lanka Suhasini expired in the said village i.e. Vizinigiri in the year 1956. Thus, origin of the Appellant Smt.Lanka Suhasini belonging to ST Kondakapu is certified.

The Appellant was born, brought, up, educated, employed in Government service and married to person of Kapu BC community in Telangana Region/State.

As per guidelines issued in Circular Memo.No. 10956/CV.I/97-2, dated 16.2.1998 – para 2 (iv) reads as – “in case of migration where a person migrates from the portion of the State of Andhra Pradesh, in respect of which his community is scheduled to another part of the Andhra Pradesh in respect of which his community is not scheduled, he will continue to be deemed to be a member of the Scheduled Caste or the Scheduled Tribe, as the case may be, in the State of Andhra Pradesh.”

Consequent on bifurcation of the united State and formation of the new State of Telangana w.e.f. 2.6.2014, the Government have issued orders in G.O. Ms.No.5, dated 8.8.2014 adapting Act No.16 of 1993 and its Rules to the State of Telangana, wherein the Kondakapu caste is listed under Scheduled Tribe category.

- iv) With regard to failure to submit any documentary evidence of her blood relatives from her original district, the Appellant submitted Family Tree and Government Orders issued in favour of her blood relatives:

As per Family Tree deposited in the Notarized Affidavit, late Sri Jagannadha Swamy was resident of Neelavadi village of Koraput District. He has two sons namely 1) Lanka Bangaraiah (great grandfather of Appellant) and 2) Lanka Satyanarayana. Lanka Bangaraiah i.e. great grandfather of the Appellant has three children 1) Jagannadha Rao (father of the Appellant) 2) Padma (daughter) and 3) Saraswathi (daughter). Lanka Jagannatha Rao i.e. father of Appellant has seven daughters and one son namely - 1) Nirmala 2) Girija 3) Suresh (son) 4) Latha 5) Hema 6) Kamala 7) Suhasini (appellant) and 8) Sandhya Rani.

Brother of her grandfather namely Lanka Satyanarayana has five sons namely 1) Hanmantha Rao 2) Jagannath Rao 3) Appa Rao 4) Venkat Rao and 5) Rama Rao – of them, Lanka Hanmantha Rao has four children namely 1) Nagabhushan Rao 2) Satyanarayana 3) Padma and 4) Anuradha.

Government in G.O. Ms.No.70, dated 14.08.2000 of Social Welfare (CV.2) Department had issued orders allowing the Appeal of Sri Lanka Satyanarayana S/o Lanka Hanumantha Rao, Asst. Project Engineer (Chem.), Fertilizer Corporation of India Limited, Ramagundam setting aside orders of the Collector, Vizianagaram District in Procgs.Rc.No.2092/97-C7, dated 2.11.1999. The summary of the order is as follows:

(Contd...23)

- Appellant (i.e. Lanka Satyanarayana) stated in his Appeal petition that late Sri Lanka Satyanarayana was retired as Guard in South Eastern Railway on 23.9.1965 and to that effect Railway authorities issued a certificate that the caste of appellant grandfather belongs to Konda Kapu community.
- His father Sri L.Hanmantha Rao was also issued ST caste certificate from the Collector, Visakhapatnam dated 23.11.1965 and the same was recorded in service register as Konda Kapu.
- Caste of his brother Lanka Rama Rao was also shown as ST Kondakapu as published in the Gazette by the APPSC on 18.5.1978 supplement to Part-I vide No.19-C Page No.16 Sl.No.259 Column No.3. Accordingly, Caste Certificate was issued to the Appellant by the then Tahsildar, S. Kota dt.27.9.1971.
- Government after careful consideration of the records available with the Government and after thorough examination of the Appeal petition dt.6.12.1999 and also other material adduced by the counsel for the Appellant at the time of hearing before the Appellate authority, Government have come to the conclusion that Sri Lanka Satyanarayana S/o L.Hanumantha Rao belongs to Konda Kapu (ST) caste.

The names of brother of grandfather i.e. Lanka Satyanarayana, paternal uncle i.e. Lanka Hanumantha Rao and names of his sons (i.e. cousins of Appellant) namely Lanka Satyanarayana, Lanka Rama Rao (sons of Lanka Hanumantha Rao) as reflected in the above Government Order and are tallying with that of the names deposed in the Notarized Affidavit/Family Tree.

Similarly, in respect of another cousin brother i.e. Lanka Nagabhushana Rao S/o Hanumantha Rao, Yard Master, Visakhapatnam Port Trust, Visakhapatnam (i.e. own brother of Lanka Satyanarayana appellant in the above G.O. Ms.No.70, dated 14.8.2000), Government have also issued orders in G.O. Ms.No.31, dated 19.2.2014 of Social Welfare (CV.2) Department, allowing his Appeal Petition filed against cancellation orders of the District Collector, Vizianagaram in Rc.No.1207/97-C7, dt.29.10.1997.

- v) The finding of the cancellation/enquiry authority that the individual's husband belongs to Munnuru Kapu BC community of Warangal District of Telangana, her siblings are born and brought in the places of Telangana and that she admitted in her statement that for her children, Munnuru Kapu-BC community is being claimed, is not disputed.

As per guidelines issued in the Circular Memo.No. 10956/CV.I/97-2, dated 16.2.1998 of Social Welfare (CV) Department, under the Claims through marriage: The guiding principle is that a person who is a member of Scheduled Tribe would continue to be a member of a Scheduled Tribe, even after his or her marriage with a person who does not belong

to Scheduled Tribe. Therefore, the Appellant would continue to be a member of Scheduled Tribe even after her marriage with a person not belonging to Schedule Tribe and continue to follow customs, traditions, festivals being celebrated in the husband's community, and accordingly the off-springs born to them are claimed BC community i.e. community of the husband.

- vi) The Hon'ble Supreme Court in Civil Appeal No.2885 of 1989 decided on July 8, 1997, held that adverse material if not disclosed cannot be used against later. As seen from the record, no show cause notice or copy of the enquiry report of TCR&TI which acted adversely against her was supplied to her before cancellation.
- vii) The Appellant contended that it is the settled principle of law that the School going Certificate should be accepted as valid for community certificate. It is also equally settled principle of law that after completion of 30 years of service, if the caste Certificate is cancelled at the fag end of the service that too 10 days before retirement, the benefits acquired by rendering the service i.e. pension and retirement benefits cannot be taken away – as held by the Hon'ble Supreme Court in 2001 (1) SCC 4 and 2012 (1) SCC 549.
- viii) The caste certificate issued by Sri N.Ramasheshaiah, Member of Parliament, Orissa on 4.6.1956 to the father of the appellant was not disputed except that it was not in the form of Community Certificate for which the Appellant who was born in Telangana on 25.10.1961 may not be required to be made responsible at this length of time.
- ix) As regards obtaining community certificate from incompetent authority – it is for the authorities to decide whether they are competent to issue, if not inform the same to the applicant to approach the authority competent.
- x) The other contention of the Appellant that she was already subjected to enquiry into her ST caste status while she was pursuing post graduation i.e. M.A. (English) in Andhra University at Visakhapatnam in 1985 (reference letter Rc.No.4299/85-TRI-VC-4, dated 9.10.1985 of the Director of Tribal Welfare, AP, Hyderabad) needs considered as had it not been proved that she belongs to ST Kondakapu, she would not have been allowed to continue her studies and the University rejected her admission. The record pertaining to the said enquiry of more than 35 years, is said to have been transferred to AP State after State bifurcation.
- ix) However, as per the above observations/findings, the domicile lineage, relations to other Lanka family members of whom some of the Caste Certificates cancelled by the District Collector, Vizianagaram were upheld by the Government, the caste of the Appellant as ST Kondakapu is established.

18. Government after careful examination of material evidences available on record and evidentiary material produced by the Appellant, placing reliance on the settled legal positions of the Hon'ble Supreme, orders of the

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Government issued in G.O. Ms.No.70, dated 14.8.2000 and G.O. Ms.No.31, dated 19.2.2014, hereby allow the Appeal filed by the Appellant Smt.Lanka Suhasini W/o Rajender Prasad, District Intermediate Education Officer, Karimnagar (now retired) treating her as belonging to the ST Kondakapu community (migrated from Viginigiri village of Vizianagaram District of the erstwhile united State of Andhra Pradesh to Telangana State), duly setting aside cancellation orders issued by the Collector & District Magistrate, Mancherial in Procgs.No.B4/1362/2018, dated 16.10.2019 and its Notification dated 16.10.2019 in respect of the ST Kondakapu Community Certificates issued to the Appellant by the Tahsildar, Mancherial vide Rc.No.F/1209/89, dated 20.10.1989 and vide Rc.No.CND021811328649, dated 19.03.2018.

19. The Collector and District Magistrate, Mancherial District shall take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**Dr. CHRISTINA Z.CHONGTHU
SECRETARY TO GOVERNMENT**

To

1. The Collector and District Magistrate, Mancherial District.
2. Smt. Lanka Suhasini, W/o. Rajender Prasad,
District Intermediate Education Officer, Karimnagar(Now Retired)
Industrial Area, H. No.C-13, TTS, Jyothi Nagar, NTPC, AP Colony,
Karimnagar, Karimnagar District-505001.(BY RPAD)

Copy to:

1. The Commissioner of Intermediate Education
Vidya Bhavan, Nampally, Hyderabad, Telangana.
(for information and necessary action) (By RPAD)
2. M/s P.V.Ramana, Mrs.E.R.Savithri, B.Sravan Kumar, Advocates
Flat No.1, Banjara Sangeet Apartments, Kapadia Lane,
Hyderabad-500082 . (By RPAD)
3. The Commissioner of Tribal Welfare, TS, Hyderabad / The Director,
TCR&TI, DSS Bhavan, Hyderabad (for information)
4. The P.S. to Minister for ST Welfare (for information)
5. The PS to Secretary to Government (TW)
6. The PS to Special Secretary to Government (TW)
7. SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER